

REMARKS

In the Final Office Action, the Examiner allowed claims 8-14 and 27-29 and rejected claims 1-4, 6-7, and 15-26. The Examiner also indicated that claims 1-4, 6-7, and 15-18 would be allowable if the Applicant overcomes the rejections under 35 U.S.C. § 112. By this Response, Applicant amends claims 19, 26, and 29 and adds new claims 30 and 31 to expedite allowance of the present application. Specifically, Applicant amends claims 19 and 26 based on the allowable subject matter. For example, independent claim 19 recites features similar to those previously added to independent claim 15, and independent claim 26 recites features similar to those previously added to independent claim 1. In addition, Applicant amends claim 29 to correct a typographical error. These amendments and new claims do not add any new matter. Currently, claims 1-4 and 6-31 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and following remarks, Applicant respectfully requests allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 1-4, 6-7, and 15-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Legal Precedent

The initial burden of proof regarding the sufficiency of the written description falls on the Examiner. Accordingly, the Examiner must present evidence or reasons why persons skilled in the art would not recognize a description of the claimed subject matter in the Applicant's disclosure. *In re Wertheim*, 541 F.2d 257, 262, 191 U.S.P.Q. 90, 96 (CCPA 1976). The Examiner is also reminded that the written description requirement does not require the claims to recite the same terminology used in the disclosure. The patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513 (7th Cir. 1971), *aff'd*, 613 F.2d 775 (7th Cir. 1979), *cert. denied*, 446 U.S. 939 (1980).

Moreover, any information contained in any part of the application as filed, including the specification, claims and drawings, may be added to other portions of the application without introducing new matter. Accordingly, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the Applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 U.S.P.Q. 683 (Fed. Cir. 1985).

Deficiencies of Rejection

First, Applicant respectfully submits that the original application fully supports the “component is configured to provide power to the RF transmission device” language of independent claim 1. For example, lines 29-31 on page 7 of the original application disclose:

That is, the RF tag 18 may receive a steady source of power from a power supply, such as the FRU power distribution circuitry 38 or an independent RF power supply 46, such as a battery.

In the original application, an FRU (field replaceable unit) is described as one example of the components that can be included within the medical device. Application, page 4, lines 1-3. Therefore, according to the original application, the RF transmission device may receive a steady source of power from a power supply, such as the component power distribution circuitry. In view of the foregoing passage, the “component is configured to provide power to the RF transmission device” claim recitation is clearly supported by the original application.

Second, Applicant submits that several portions of the original application fully support the “medical device, the medical device component, or a combination thereof is configured to communicate with the RF transmitter” language of independent claim 15. For instance, the original application discloses that the “RF transceivers 32 and interrogators may survey the FRUs 14 located at these locations for desirable information.” Application, page 6, lines 29-31. The original application also discloses

that the “RF control circuitry 48 may communicate with the FRU control circuitry 40, which, in turn, communicate with the systems controllers 20.” Application, page 8, lines 6-8. As noted above, an FRU (field replaceable unit) is described as one example of the components that can be included within the medical device. Therefore, both of these passages disclose that a medical device component may communicate with the RF device. Furthermore, Applicant respectfully requests the Examiner review pages 6-12 of the original application to find numerous other supporting passages. In view of the foregoing passages, the “medical device, the medical device component, or a combination thereof is configured to communicate with the RF transmitter” claim recitation is clearly supported by the original application.

For at least these reasons, Applicant respectfully requests withdrawal of the rejection under Section 112, first paragraph. Upon removal of this rejection, claims 1-4, 6-7, and 15-18 will be in condition for allowance. Therefore, in view of the foregoing remarks, Applicant respectfully requests allowance of these claims.

Rejection Under 35 U.S.C. § 103

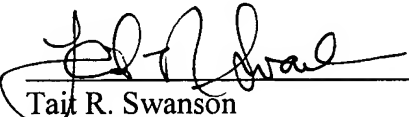
The Examiner rejected claims 19-26 under 35 U.S.C. 103(a) as unpatentable over the JP2002049900 reference. Applicant respectfully traverses this rejection. However, as discussed above, Applicant amends independent claims 19 and 26 to expedite allowance of the present application. Specifically, Applicant amends independent claims 19 and 26 to incorporate allowable subject matter based on previously amended claims 1 and 15. Again, these amendments are clearly supported in the original patent application. Therefore, amended claims 19 and 26 and their dependent claims are believed to be in condition for allowance.

Conclusion

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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